



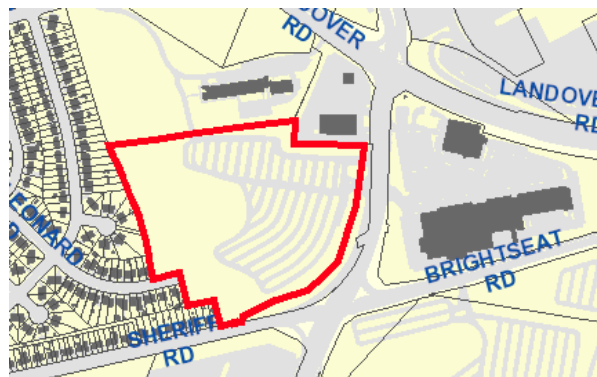
Note: Staff reports can be accessed at <https://www.mncppc.org/883/Watch-Meetings>

Preliminary Plan of Subdivision Imberley Townhomes

4-21040

REQUEST	STAFF RECOMMENDATION
Three parcels for residential development consisting of 170 condominium townhouse dwelling units	With the conditions recommended herein: <ul style="list-style-type: none">• Approval of Preliminary Plan of Subdivision 4-21040• Approval of Type 1 Tree Conservation Plan TCP1-001-2014-02• Approval of a Variation from Section 24-121(a)(19)

Location: In the northwest quadrant of the intersection of Brightseat Road and Sheriff Road.	
Gross Acreage:	22.12
Zone:	TAC-C/AG
Prior Zone:	M-X-T/O-S
Reviewed per prior Subdivision Regulations:	Section 24-1704
Gross Floor Area:	N/A
Dwelling Units:	170
Lots:	0
Parcels:	3
Planning Area:	72
Council District:	05
Municipality:	N/A
Applicant/Address: Neighborhood Partners 100, LLC 11 Dupont Circle NW, Suite 900 Washington, DC 20036	
Staff Reviewer: Eddie Diaz-Campbell Phone Number: 301-952-3665 Email: Eddie.Diaz-Campbell@ppd.mncppc.org	



Planning Board Date:	06/27/2024
Planning Board Action Limit:	07/22/2024
Mandatory Action Timeframe:	140 days
Staff Report Date:	06/20/2024
Date Accepted:	03/04/2024
Informational Mailing:	08/18/2023
Acceptance Mailing:	02/13/2024
Sign Posting Deadline:	05/28/2024

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at

http://www.mncppcapps.org/planning/Person_of_Record/.

Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-21040
Type 1 Tree Conservation Plan TCP1-001-2014-02
Approval of a Variation from Section 24-121(a)(19)
Imberley Townhomes

OVERVIEW

The subject site is located in the northwest quadrant of the intersection of Brightseat Road and Sheriff Road. The property totals 22.12 acres and consists of one existing parcel, known as Parcel 51, recorded by deed in Book 43013 page 497, in the Prince George's County Land Records. The property is subject to the 2009 *Approved Landover Gateway Sector Plan and Proposed Sectional Map Amendment* (sector plan).

The property is in the Town Activity Center – Core (TAC-C) and Agriculture and Preservation (AG) Zones. However, this application has been submitted for and reviewed under the applicable provisions of the Prince George's County Zoning Ordinance and Prince George's County Subdivision Regulations effective prior to April 1, 2022 ("prior Zoning Ordinance" and "prior Subdivision Regulations").

The subject property was included in Conceptual Site Plan CSP-13006-01, which was approved by the Prince George's County Planning Board on March 30, 2023 (PGCPB Resolution No. 2023-39), pursuant to the prior Zoning Ordinance. Pursuant to Section 27-1704(a) of the Zoning Ordinance, CSP-13006-01 remains valid for a period of 20 years from April 1, 2022; and pursuant to Section 27-1704(b) of the Zoning Ordinance, subdivision applications submitted under a valid CSP, approved under the prior Zoning Ordinance, and still valid pursuant to the time limit specified under Section 27-1704(a), may be reviewed and decided in accordance with the prior Subdivision Regulations until the project is constructed. Under the prior Zoning Ordinance, the site was in the Mixed Use-Transportation Oriented (M-X-T) and Open Space (O-S) Zones, which were effective prior to April 1, 2022.

Existing Parcel 51 is currently developed as a stadium parking facility. There are no prior subdivision approvals for the subject property. A preliminary plan of subdivision (PPS) is required for the development of multiple dwelling units. This PPS proposes three parcels (Parcel 1, Parcel A, and Parcel B) for residential development consisting of 170 condominium townhouse dwelling units. All of the dwelling units are proposed to be located on Parcel 1; Parcel A is proposed to contain open space, while Parcel B is proposed to contain a private street. However, staff recommend that one parcel be approved for the entire land area of the PPS. This recommendation is further discussed in the Site Access and Layout finding of this technical staff report.

The applicant filed a request for a variation from Section 24-121(a)(19) of the prior Subdivision Regulations, in order to remove the requirement that the proposed condominium townhouse dwelling units conform to the lot standards of Subtitle 24 and Subtitle 27 for possible conversion to fee simple lots. This request is discussed further in the Site Access and Layout finding of this technical staff report.

Staff recommend **APPROVAL** of the PPS, with conditions, and **APPROVAL** of the variation, based on the findings contained in this technical staff report.

SETTING

The site is located on Tax Map 60, Grids B-3 and B-4, and it is within Planning Area 72. The site is bound to the north by the Board of Education, Bonnie F. Johns Educational Media Center, and a parcel improved with an existing automotive dealership, both in the Town Activity Center–Core (TAC-C) Zone (formerly in the M-X-T Zone); to the east by Brightseat Road, with commercial uses in the TAC-C Zone (formerly in the M-X-T Zone) beyond; to the south by Sheriff Road, with FedEx Field stadium property in the Legacy Comprehensive Design Zone (formerly in the Residential Medium Development Zone) beyond; and to the west by duplex dwellings in the Residential, Single-Family-Attached Zone (formerly in the One-Family Triple-Attached Residential Zone and the One-Family Semidetached, and Two-Family Detached, Residential Zones).

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

- Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

	EXISTING	EVALUATED
Zones	TAC-C/AG	M-X-T/O-S
Use(s)	Parking	Residential
Acreage	22.12	22.12
Lots	0	0
Parcels	1	3
Dwelling Units	0	170
Gross Floor Area (nonresidential)	0	0
Subtitle 25 Variance	Yes (25-122(b)(1)(G))*	Yes (25-122(b)(1)(G))*
Variation	No	Yes (Section 24-121(a)(19))

Note: *This Subtitle 25 variance for one specimen tree was approved pursuant to CSP-13006-01; 1990 Brightseat Road Property.

The subject PPS, 4-21040, was accepted for review on March 4, 2024. Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, the PPS was reviewed by the Subdivision and Development Review Committee (SDRC), which held a meeting on March 15, 2024, at which comments were provided to the applicant. A requested variation from Section 24-121(a)(3) of the prior Subdivision Regulations was also accepted on

March 4, 2024; however, the PPS was revised so that staff and the applicant agreed the variation was no longer necessary, as further discussed in the Site Access and Layout finding of this technical staff report. The requested variation from Section 24-121(a)(19) was accepted for review on April 23, 2024, and was reviewed at the SDRC meeting on April 26, 2024, as required by Section 24-113(b) of the prior Subdivision Regulations. Revised plans were received on May 2, 2024, and May 23, 2024, which were used for the analysis contained herein.

2. **Previous Approvals**—The subject property, also referred to as Parcel 51, was the subject of Certification of Nonconforming Use, CNU-25172-11, which sought nonconforming use certification for a permanent use and occupancy permit, to allow parking for stadium events. The Prince George’s County Planning Board denied the request (PGCPB Resolution No. 12-87); however, the Prince George’s County District Council approved the request on February 11, 2013, allowing the existing gravel lot to continue as a temporary nonconforming use for five years. The sector plan rezoned 19.57 acres, including the subject property, from the Commercial Miscellaneous (C-M) Zone to the M-X-T Zone.

On June 26, 2014, the Planning Board approved Conceptual Site Plan, CSP-13006 (PGCPB Resolution No. 14-60), for the development of 380 multifamily dwelling units, subject to 13 conditions. The development evaluated under this CSP is no longer proposed and was superseded by a subsequent CSP amendment.

On March 30, 2023, the Planning Board approved Conceptual Site Plan amendment CSP-13006-01 (PGCPB No. 2023-39), for the property to be developed with 170 condominium townhouse dwelling units. The CSP amendment was approved subject to four conditions, and the following condition is relevant to the review of this PPS:

3. **Prior to issuance of permits for this subdivision:**

- c. **The following transportation improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency’s access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency.**

- (1) **Install or verify that traffic signals are operational at Brightseat Road and Site Access/Landover Crossing Shopping Center intersection, unless modified by the operating agency with written correspondence.**

A traffic signal at the intersection of Brightseat Road and the site access was evaluated as part of the traffic impact study reviewed under approved Certificate of Adequacy, ADQ-2022-005. The traffic signal remains required under the ADQ. The intersection will meet traffic adequacy requirements once the signal is operational.

3. **Community Planning**—The 2014 *Plan Prince George’s 2035 Approved General Plan* (Plan 2035) and conformance with the sector plan are evaluated, as follows:

Plan 2035

Plan 2035 places this application within the Landover Gateway Town Center (Map 1. Prince George’s County Growth Policy Map, page 18).

Plan 2035 designates Local Centers as “focal points for development and civic activity based on their access to transit or major highways. The plan contains recommendations for directing medium to medium-high residential development, along with limited commercial uses, to these locations, rather than scattering them throughout the Established Communities. These centers are envisioned as supporting walkability, especially in their cores and where transit service is available. Town Centers will often be larger in size and may rely more on vehicular transportation” (page 19. also refer to Map 1, Prince George’s County Growth Policy Map, page 18).

Plan 2035 recommends that the “mix of uses is horizontal across the centers rather than vertical within individual buildings” and the recommended average net housing density for new development is 10–60 dwelling units/acre (page 108).

The proposed 170 single-family attached dwelling units, in a condominium regime, are consistent with the vision and recommended density for Landover Gateway Town Center in Plan 2035.

Sector Plan

The sector plan envisions “a transformation of the Landover Gateway area into a vibrant 24-hour activity center with a dense urban form and a mix of uses... The downtown core transitions into outer neighborhoods with a range of high- and moderate-density residential neighborhoods and complementary mixed-use development” (page 17). The sector plan places the subject property in the General Center Design District within the Gateway South Neighborhood (Map 13: Design District Boundaries, page 51).

According to Plan 2035, all planning documents which were duly adopted and approved prior to the date of adoption of Plan 2035, remain in full force and effect except for the designation of tiers, corridors, and centers, until those plans are revised or superseded. Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, a PPS must conform to the area master plan, unless events have occurred to render the relevant recommendations no longer appropriate, or the Prince George’s County District Council has not imposed the recommended zoning. The sector plan recommends Office/Retail/Residential future land use on the subject property (Map 6: Land Use Plan, page 19). The proposed 170 single-family attached units do not strictly conform to the recommended mixed-use land use, however, pursuant to Section 27-547(e) of the prior Zoning Ordinance, a single use is allowed on the subject property.

Specifically, Section 27-547(e) allows an exception to the required mix of uses as follows:

Section 27-547(e)

For property placed in the M-X-T Zone by a Sectional Map Amendment approved after October 1, 2006, and recommended for mixed-use development in the General Plan, and a Master Plan, or Sector Plan for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, a Conceptual Site Plan submitted for any property located in the M-X-T Zone may include only one (1) of the above categories, provided that it conforms to the visions, goals, policies, and recommendations of the plan for that specific portion of the M-X-T Zone.

In an e-mail dated July 1, 2014, from The Maryland-National Capital Park and Planning Commission's legal department to the applicant's legal representative (Borden to Haller), it was concluded that an Urban Land Institute Technical Assistance Panel conducted a comprehensive study between January 17 and 18, 2006, for the redevelopment of the Landover Mall and Vicinity, which included the subject property, and was deemed sufficient to allow the applicant to proceed with a single-use on the subject property.

Pursuant to Section 24-121(a)(5), staff find that the PPS is still required to conform to other relevant goals, policies and strategies that are applicable to the subject property to advance the purpose and intent of the sector plan. The sector plan recommends the following policies, design guidelines, and strategies to achieve the vision for the Landover Gateway area that are relevant to the subject property:

Core South Focus Area—Gateway South Neighborhood

Vision

The area south of MD 202 is transformed into a neighborhood of mixed-use, residential, and educational uses that support and complement the downtown (page 48).

Policy 1: Develop a moderate- to high-density mixed-use neighborhood in the area south of MD 202 (page 49).

Policy 4: Develop continuous pedestrian linkages and ensure that the pedestrian network fosters safe routes to school (page 49).

Policy 6: Integrate a variety of open space areas as part of the larger open space and environmental network (page 50).

Staff find that the proposed 170 single-family attached dwelling units with private on-site recreational amenities, open space play areas, and a master-planned trail connecting communities to the north and south of the property, conforms with the vision for the Gateway South Neighborhood, the sector plan and the above-referenced policies.

The following policies relate to the development pattern elements of the overall sector plan area:

Policy 6: Encourage a variety of housing options at varying densities for a range of income levels (page 27).

The proposed development only features a single housing type (townhouses). However, the townhouses proposed by this development will combine with other housing types nearby, such as the duplex development west of the property and multifamily development north of MD 202 (Landover Road), to ensure there are a variety of housing options in the sector plan area.

Policy 8: Encourage the application of environmentally sensitive and sustainable site design techniques to all future development (page 28).

Strategies:

- **Ensure that stormwater has an opportunity to be filtered back into the local water table prior to its collection into the regional stormwater management system.**
- **Incorporate stormwater management functions as part of attractive and accessible public amenities.**
- **Filter street runoff in streetscape features, street medians and planted open spaces.**
- **Employ the techniques for environmentally sensitive design and green infrastructure preservation and enhancement, as described in the Environmental Infrastructure section in Chapter 5.**

Conformance with the approved SWM Concept Plan and the requirements of Subtitle 25 of the Prince George's County Code, as discussed in the Environmental finding of this technical staff report, will help ensure that the above strategies will be met.

Staff find that the PPS conforms to the relevant goals, policies, and strategies listed above and as evaluated throughout this technical staff report.

Sectional Map Amendment/Zoning

The 2009 sectional map amendment associated with the sector plan rezoned the subject property from the C-M Zone to the M-X-T and O-S Zones.

On November 29, 2021, the District Council approved Prince George's County Council Resolution CR-136-2021, the Countywide Map Amendment, which reclassified the subject property from the M-X-T Zone and O-S Zone to the TAC-C Zone and AG Zone, effective April 1, 2022. However, this PPS was reviewed pursuant to the prior zoning.

4. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An approved SWM Concept letter and plan (46784-2021-0) was submitted with the current application. The approval was issued on June 2, 2023, and is consistent with the Type 1 tree conservation plan (TCP1). A combination of micro-bioretention areas, modular wetland systems, and a SWM pond are proposed on-site to serve as on-site detention and quality control for stormwater associated with this PPS. The concept has incorporated the recommendations provided in the stream corridor assessment required by the CSP. These recommendations include protecting the stream valley and maintaining the associated canopy cover, implementing water quality control, controlling 100-year storm events, and repairing a gully that was formed due to lack of stormwater control on-site. No further information pertaining to SWM is required at this time.

Staff find that development of the site, in conformance with the SWM concept plan and any subsequent revisions, will ensure that no on-site or downstream flooding occurs. Therefore, this PPS satisfies the requirements of Section 24-130 of the prior Subdivision Regulations.

5. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of Plan 2035, the sector plan, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George's County*, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the prior Subdivision Regulations, as they pertain to public parks and recreational facilities.

Sector Plan Conformance

The sector plan recommends the following for the subject property:

- A linear park (see Map 9: Illustrative Community Open Space on page 22) and conservation of natural areas (see Map 10: Green Design Concept on page 24) on the western portion of the subject property. The applicant provided plans for the development, which show open space consistent with the sector plan recommendations.
- A north-south trail connection (from Barlow Road to Sheriff Road) along the eastern edge of the environmentally regulated areas of this property. The trail proposed on the PPS is consistent with the sector plan recommendations.

The proposed development aligns with the sector plan's vision, to provide recreational opportunities contributing to the quality of life, personal health and well-being, and livability of the community for current and future residents.

Subdivision Regulations Conformance

The subject site is within 0.53 mile of the Prince George's County Sports and Learning Complex, and less than 2.0 miles away from John Carroll Park. The applicant's proposal, for 170 single-family attached condominium dwelling units, would result in a population of 461 residents in this new community. The planned and existing trails, within the public right-of-way (ROW) of Brightseat Road and Sheriff Road, will provide pedestrian and bike access to the Prince George's County Sports and Learning Complex.

Sections 24-134 and 24-135 of the prior Subdivision Regulations, which relate to mandatory dedication of parkland, provide for the dedication of land, the payment of a fee-in-lieu, and/or the provision of private recreational facilities to meet the park and recreation needs of the residents of the subdivision. Based on the proposed density of development, 10 percent of the net residential lot area could be required to be dedicated to The Maryland-National Capital Park and Planning Commission (M-NCPPC) for public parks, which equates to 1.8 acres for public parklands. The subject property is not adjacent or contiguous to any property currently owned by M-NCPPC. Therefore, the 1.8 acres of dedicated land would not be sufficient to provide for the types of active recreational activities that are needed.

The recreational guidelines for Prince George's County also set standards based on population. The projected population of the development is 461 new residents. Staff support the applicant's proposal to meet the mandatory dedication of parkland

requirement with onsite recreational facilities suitable to serve the anticipated new population. The applicant provided a chart of proposed recreation facilities, which include a pool with a bath house, two playgrounds for different age groups, and outdoor seating. Staff find that these proposed facilities will be superior or equivalent to the facilities that would have been otherwise provided under the provisions of mandatory dedication. The details and the cost estimates for the on-site facilities will be evaluated with the review of the DSP.

Staff find that the proposed provision of on-site recreation facilities will meet the recreational needs of the future residents of this community. The proposal will be in conformance with applicable plans and requirements of the prior Subdivision Regulations, as they pertain to parks and recreation facilities, with the recommended conditions contained in this technical staff report.

The subject property includes 7.39 acres of primary management area (PMA) consisting of floodplain, wetlands, and steep slopes. Approximately 4.92 acres of this PMA area is located within the O-S Zone. The sector plan included a master plan trail within the PMA, the Landover Gateway bike trail. However, it was determined with the CSP for the proposed development that the PMA area is unsuitable for the location of the master-planned trail. The PPS illustrates a proposed alternate trail alignment (by showing the public use easement which will encompass it), and staff agree with the proposed alignment. Streetscape elements such as street trees, street furniture, landscaping, planters, and decorative paving should be included to visually indicate the transition to residential development and the surrounding residential communities. Staff recommend that the applicant submit detailed plans for the trail, at the time of the DSP review. The trail shall be placed within a public use easement to ensure public access.

6. **Transportation**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the sector plan, and the prior Subdivision Regulations to provide the appropriate transportation recommendations.

MPOT and Sector Plan Conformance

Master Plan Right-of-Way

The subject property fronts Sheriff Road to the south and Brightseat Road to the east. The MPOT and the sector plan recommend this portion of Sheriff Road (C-405) to be a 2–4 lane collector roadway within an 80-foot-wide ROW, and Brightseat Road (A-31) to be a 6-lane arterial roadway within a 120-foot-wide ROW.

The subject property falls within the Landover Gateway Town Center, as established by Plan 2035. Development within this Center is required to use the Prince George’s County Department of Public Works and Transportation (DPW&T), urban street design standards, for ROW recommendations as well as bicycle and pedestrian improvements within these roadways.

The recommended Urban Street Design Standards for Brightseat Road is Std. 100.22, which recommends a mixed-use boulevard (B) with four travel lanes. This standard requires a 119-foot-wide minimum ROW, a minimum 8-foot-wide sidewalk, a 6.5-foot-wide bicycle lane, a 6-foot-wide buffer between the roadway and the bicycle lane, and a 2-foot-wide buffer between the bicycle lane and the sidewalk.

The right-of-way for Brightseat Road has been recorded under SHA Plat 87901 and the ROW for Sheriff Road has been recorded under ROW Plat 690. The existing ROW is sufficient to support the construction of the urban street design standards recommendations and conforms to the MPOT. No additional ROW dedication is required along these roads.

Master Plan Pedestrian and Bike Facilities

The following facilities recommended by MPOT impact the subject site:

- Bike lanes: Sheriff Road and Brightseat Road
- Shared-use path: Brightseat Road

The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling. (MPOT, pages 9–10):

Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Policy 3: Small area plans within the Developed and Developing Tiers should identify sidewalk retrofit opportunities in order to provide safe routes to schools, pedestrian access to mass transit, and more walkable communities.

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.

Policy 6: Work with the State Highway Administration and the Prince George's County Department of Public Works and Transportation to develop a complete streets policy to better accommodate the needs of all users within the right-of-way.

The sector plan also recommends wide sidewalks, improved lighting, on-road bicycle lanes, and pedestrian crosswalks at all intersecting streets on Brightseat Road. The policies related to the PPS are as follows:

Trails and Pedestrian Access — *Sidewalks* (pages 95–98)

Policy 1: Provide opportunities for residents to make some trips by walking or bicycling.

Policy 2: Incorporate appropriate pedestrian, bicycle, and transit-oriented design and transit-supporting design features in all new development within centers and corridor nodes.

Policy 3: Provide adequate pedestrian and bicycle linkages to schools, parks, recreation areas, commercial areas, and employment centers.

Staff recommend the Sheriff Road and Brightseat Road bicycle lanes and minimum 8-foot-wide shared-use path be included on the site plan, and provided along the frontages, unless modified by the operating agencies, as recommended in the MPOT and per the specifications of the urban street design standards.

The PPS demonstrates pedestrian friendly thoroughfares with sidewalks, crosswalks and the MPOT recommended Landover Gateway bike trail within the development. The sector plan envisions a “walkable, connected pattern of streets throughout the area” (page 28). This will be fulfilled with the provision of the Landover Gateway bike trail, Brightseat Road shared-use path, and sidewalks along all internal private streets.

Additional Transportation Findings

The applicant’s SWM concept plan shows vehicular movement through the site. The internal roadways have been designed in a manner that provides efficient vehicular circulation throughout the site. Sidewalks are shown along both sides of all internal roadways. The proposed route of the Landover Gateway bike trail through the site is acceptable to staff. There are multiple sidewalk connections, in various locations, that provide pedestrians access to the trail. The trail will connect at the site access along Brightseat Road and be required to extend further south, along the property frontage, as a shared-use path. Crosswalks are provided crossing vehicular drive aisles and will be further evaluated at the time of detailed site plan (DSP). Staff find the applicant has provided a sufficient internal pedestrian network, based on the plans submitted with this PPS, which allow for separate pedestrian movement throughout the site.

Staff also recommend that short-term bicycle parking be provided at the proposed recreational or gathering areas. Short-term bicycle parking should be provided no more than 50 feet from the entrance to the pool bath house, in accordance with the recommendations of the American Association of State Highway and Transportation Officials (AASHTO) and the 2015 Association of Pedestrian and Bicycle Professionals, *Essentials of Bike Parking*.

7. **Site Access and Layout**—The applicant is proposing 170 townhouse dwelling units under a condominium housing regime. As such, the plan does not feature individual lots for the dwelling units, and it features a limited number of parcels. The site layout is therefore not strongly tied to the lotting pattern proposed with this PPS, and it is subject to change at the time of DSP. Findings regarding the site layout in this technical staff report are based on the plans available, principally the TCP1, which shows the locations of dwellings as well as the private streets and alleys serving them. A lotting pattern exhibit, as required by Section 24-120(a)(27) of the prior Subdivision Regulations, was submitted with the PPS application, however, it is not up-to-date with the most recent site layout shown on the TCP1 submitted on May 23, 2024.

The proposed development features three private roads, including an east-west road running west from the Brightseat Road site entrance, a north-south road, and a second east-west road running west from the north-south road. Numerous private alleys lead from the private roads to serve the townhouse units, all of which are proposed to be rear loaded.

The sector plan envisions that the subject property should have two road connections to the property to the north, as shown in Map 8: Transportation Network Vision, (page 21). The feasibility of having two connections was evaluated during the CSP review, and it was determined that the existing site conditions make implementation of a second connection very difficult, as there is a severe elevation change that would result in substantial environmental impacts. The proposed single road connection to the property to the north was, therefore, found to be acceptable. A proposed cross-access easement is shown on the PPS from the Brightseat Road site entrance to the connection point, which will ensure the connectivity envisioned by the sector plan.

The proposed development conforms to Section 24-121(a)(3) of the Subdivision Regulations, which requires that when lots are proposed on land adjacent to an existing arterial roadway, they shall be designed to front on either an interior street or a service road. With this development, there is only one parcel proposed to be developed with dwellings. The parcel access is via private streets internal to the development, from which all dwellings will be accessed. It should be noted that separate private street parcels containing the proposed private streets are not necessary for the private streets to be classified as private streets.

The proposed development also conforms to Section 24-128(b)(7)(A) of the prior Subdivision Regulations, which, in the M-X-T Zone, allows private streets to serve single-family attached dwellings. This section also allows alleys to serve any permitted use provided the lot has frontage on and pedestrian access to a public ROW. With this development, there is only one parcel proposed to be developed with dwellings, and it fronts on the public ROWs of Brightseat Road and Sheriff Road in addition to the internal private streets. All of the proposed alleys are internal to this parcel.

The proposed development does not conform to Section 24-121(a)(19) of the prior Subdivision Regulations, which requires that condominium townhouse dwelling units shall conform to the lot standards of prior Subtitle 24 and prior Subtitle 27 for possible conversion to fee simple lots. Specifically, there are two areas of the site that would not be able to conform to the lot standards:

- The dwellings proposed within 150 feet of Brightseat Road, if converted to fee simple ownership, would not feature lots that are a minimum of 150 feet deep, as measured from Brightseat Road, as required by Section 24-121(a)(4) of the Subdivision Regulations. Approximately 31 dwellings would not meet this requirement, based on the current plans, though this is subject to change at DSP.
- Six dwellings at the north end of the north-south private road, situated on its east side, would not be able to achieve the minimum lot size of 1,200 square feet required by Section 27-548(h) of the prior Zoning Ordinance, if converted to fee simple ownership. The applicant's lotting pattern exhibit, which remains up to date for these dwellings (Numbers 30-35), shows lots which extend onto the private alley at the rear of the dwellings, which would not be a permitted configuration. If

the lots did not extend onto the private alley, they would be less than 1,200 square feet.

In order to permit the site layout proposed, the applicant has requested a variation from Section 24-121(a)(19) of the prior Subdivision Regulations. As part of this request, the applicant has proffered that the proposed development will never convert from condominium ownership to fee simple ownership. Notwithstanding the applicant's proffer, future conversion to fee simple lots may be possible for the majority of lots which do meet the minimum requirements. A condition is recommended to ensure that future conversion to fee simple lots is strictly controlled, to ensure any future conversion of lots will be subject to the requirements of Subtitles 24 and 27. Granting the variation will allow the site layout proposed on the plans for the two areas discussed above.

Variation Request

The below listed criteria are contained in Section 24-113 of the prior Subdivision Regulations and must be met for a variation to be approved. The criteria are listed below in bold text, and staff findings regarding each criterion are given in plain text.

(a) Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

(1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;

As shown on the submitted plans, if the site design for the six dwellings identified as dwellings 30–35 was to be allowed, these dwellings would be provided with rear yards, where driveways are located, that are shorter than those of all the other dwellings in the development. Given the rear yards are occupied by driveways to the rear-loaded garages, no loss of usable yard area results from this request. The driveways would not be long enough for cars to park on them, as may be allowed by other units, however, parking for these dwellings is within their garages. The development design currently shows that on-street parking, in front of these units, will also be provided. The shorter driveways will not rise to the level of a detriment to public safety, health, or welfare. At the time of the DSP, the site design will be evaluated to ensure that the parking requirements of the M-X-T Zone are met for the overall development. This evaluation should include additional analysis to identify the parking spaces that will be utilized by the six dwelling units, to ensure they are served by adequate, nearby parking. Staff find that so long as the parking needs of the six dwellings are met, there will be no detriment to public welfare from the shorter driveways provided.

If the site design for the dwellings within 150 feet of Brightseat Road were allowed, these dwellings would not be provided with space around them sufficient to plat lots that are 150 feet deep as measured from Brightseat Road. The purpose of the lot depth requirement given in Section 24 121(a)(4) of the prior Subdivision Regulations is to ensure there is enough space to provide adequate protection and screening from traffic nuisances associated with the adjoining ROWs, which may include noise, vibration, light, particulate matter, etc. However, as discussed in the Noise finding of this technical staff report, noise affecting the dwellings near Brightseat Road will be mitigated through use of -upgraded construction materials. Other nuisances generated by the Brightseat Road ROW can be addressed at the time of DSP, through screening, planting, and other techniques required or recommended by the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Staff find that, because the nuisances generated by the ROW will be mitigated, allowing the site design proposed for the dwellings within 150 feet of Brightseat Road will not pose a detriment to public safety, health, or welfare.

The site design proposed for the two areas discussed above will not affect any adjacent properties, and so allowing the design will not result in any injury to those properties.

(2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;

The variation request is based on steep slopes around the perimeter of the site, in the vicinity of the areas for which the variation is requested. The steep slopes are visible on the submitted plans and appear to have been originally created as part of grading for Brightseat Road, and grading for a parking lot on the property abutting the site to the northeast. The steep slopes along the Brightseat Road frontage result in approximately 75 feet between the frontage line and the curb line; this distance will help alleviate traffic nuisances from the road, which makes providing space for 150-foot-deep lots west of the frontage line less necessary. To provide that space would mean the flatter, more developable area west of the frontage line would have fewer dwellings built upon it. The steep slopes in the northeast corner of the property are adjacent to dwellings 30–35. As shown on the TCP1, a retaining wall is proposed north and east of the alley serving these dwellings in order to make placement of the alley possible. To ensure that these six dwellings have enough space for a minimum of 1,200-square-foot lots, their driveways would have to be extended, and the alignment of the alley pushed eastward. The alley may not be able to be pushed eastward, however, given the steep slopes and the engineering requirements of the retaining wall. The steep slopes in these areas and their effect on the site design are unique to the property and not generally applicable to other properties, and they form the condition upon which the variation is based. Therefore, staff find that this criterion is met.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and**

Staff are not aware of any law, ordinance, or regulation which would be violated by the granting of this variation. The granting of a variation is unique to the Subdivision Regulations and under the sole authority of the Planning Board.

- (4) **Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;**

As described above, the site's topographical conditions inform the proposed site design. If the strict letter of Section 24-121(a)(19) were to be carried out, substantial revisions to the site layout would be required, likely resulting in a loss of units. These revisions are unnecessary, because allowing the proposed site design for the areas discussed above will pose no detriment to public health, safety or welfare. Further, the applicant does not propose to convert the development from condominium to fee simple ownership. There is no evidence that strict conformance with the regulations will result in a better site design or layout than that currently proposed by the applicant. Because revisions to the site layout to conform with Section 24-121(a)(19) would not achieve a better result for the development, but would still result in loss of units, strict conformance with the regulations would result in a particular hardship or practical difficulty to the owner, as distinguished from a mere inconvenience. For these reasons, staff find this criterion is met.

- (5) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24 113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

The site is evaluated in accordance with the M-X-T Zone. Therefore, this criterion is not applicable.

Staff find that the site is unique to the surrounding properties, and the variation request is supported by the required findings. Approval of the variation will not have the effect of nullifying the intent and purpose of the Subdivision Regulations, but instead will result in a better outcome than could be achieved through strict compliance with the Subdivision Regulations. Therefore, staff recommend approval of the variation from Section 24-121(a)(19), so that proposed condominium townhouse dwelling units within 150 feet of Brightseat Road do not have to conform to the 150-foot lot depth requirement of Section 24-121(a)(4); and so that the six dwellings in the northernmost group of townhomes, on the east side of the north-south private road (dwellings 30-35), do not have to conform to the 1,200-square-foot lot area requirement of Section 27-548(h).

As proposed, the development features three parcels. Parcel 1 is proposed to contain all the townhouse units, Parcel A is proposed to contain the on-site stream valley, and Parcel B is proposed to contain the private street connecting to the site entrance. Section 24-121(a)(7) of the prior Subdivision Regulations requires that provision shall be made for the ownership of residue parcels by incorporating them into platted lots or into adjacent parcels, or by other means deemed acceptable to the Planning Board. Conveying parcels to a homeowners association (HOA) is typically an acceptable means of ensuring ownership of open space and private street parcels, however, no HOA is proposed for the development. A condominium owners association (COA) is proposed instead, and unlike an HOA, a COA is not capable of owning property independently from the homeowners in the development. Rather, under a COA, all the homeowners have an interest in common in the development's common areas. If three parcels were to be platted, the COA would need to be structured so that the homeowners have a common interest not only in Parcel 1, but in Parcels A and B as well, even though their homes are not situated on either of those two parcels. Staff recommend that, in order to ensure a simpler ownership structure, and in order to ensure that Parcels A and B are not conveyed to another party at a later time, Parcels A and B be incorporated into Parcel 1, so that a single parcel is approved for the development. The PPS should be revised, prior to signature approval, to remove the boundaries between the parcels and label the entire property as Parcel 1.

8. **Public Facilities**—This PPS was reviewed for conformance to the sector plan, in accordance with Section 24-121(a)(5). The sector plan contains the following overall goals:

- **Provide public facilities that efficiently serve the existing and future population.**
- **Provide the residents of the Landover Gateway sector plan area and surrounding communities with schools that are not overcrowded, feature cutting-edge technological and instructional opportunities, and serve as focal points.**
- **Provide state-of-the-art library facilities in the sector plan area.**
- **Provide needed public safety facilities in locations that efficiently serve Landover Gateway.**

The project will not impede the achievement of the above-referenced public facility improvements. This PPS is subject to ADQ-2022-005, which established that, pursuant to adopted tests and standards, public safety facilities are adequate to serve the proposed development. There are no master-planned police, fire and emergency medical service facilities, public schools, parks, or libraries proposed on the subject property in the sector plan.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades, renovations to existing facilities, and construction of new facilities; however, none of its recommendations affect the subject site.

Section 24-122.01(b)(1) of the prior Subdivision Regulations states that the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for PPS or final plat approval. The 2018 *Water and Sewer Plan* placed this property in Water and Sewer Category 3, Community System. Category 3 comprises all developed land (platted or built) on public water and sewer, and undeveloped land with a valid PPS approved for public water and sewer. The property is within Tier 1 of the Sustainable Growth Act, which includes those properties served by public sewerage systems.

9. **Public Utility Easement**—In accordance with Section 24-122(a) of the prior Subdivision Regulations, when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The standard requirement for public utility easements (PUEs) is a minimum of 10 feet wide along both sides of all public ROWs. The site abuts Sheriff Road, Brightseat Road, and Ray Leonard Road. All PUEs required along these public ROWs are shown on the PPS.

Section 24-128(b)(12) of the prior Subdivision Regulations requires that private streets shall have a 10-foot-wide PUE on at least one side of the ROW. The PPS shows 10-foot-wide PUEs internal to the development that run alongside the proposed private street locations. At the time of this PPS, the requirements of Section 24-128(b)(12) are met; however, if the locations of the streets are adjusted at the time of the DSP, the locations of the PUEs will need to be adjusted as well.

10. **Historic**—The sector plan contains minimal goals and policies related to historic preservation and these are not specific to the subject site. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites, indicates the probability of archeological sites within the subject property is low. A Phase I archeology survey is not recommended. The subject property does not contain, and is not adjacent to, any designated Prince George’s County historic sites or resources.
11. **Environmental**—The following applications and associated plans were previously reviewed for the subject site:

Review Case	Associated Tree Conservation Plan	Authority	Status	Action Date	Resolution Number
N/A	TCPII-013-04	Staff	Approved	5/13/04	N/A
NRI-109-13	N/A	Staff	Approved	12/26/13	N/A
CSP-13006	TCP1-001-14	Planning Board	Approved	6/26/14	14-60
NRI-109-13-01	N/A	Staff	Approved	4/23/21	N/A
CSP-13006-01	TCP1-001-14-01	Planning Board	Approved	3/30/2023	2023-39
NRI-109-13-02	N/A	Staff	Approved	7/10/2023	N/A
4-21040	TCP1-001-2014-02	Planning Board	Pending	Pending	Pending

Grandfathering

The project is subject to the environmental regulations contained in Subtitle 25 and prior Subtitles 24 and 27 because the application is for a new PPS.

Environmental Site Description

A review of the available information indicates that streams, 100-year floodplain, wetlands, and steep slopes occur on the property. There is no potential forest interior dwelling species habitat mapped on-site. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species on or in the vicinity of this property. The property is not adjacent to any roadways indicated as scenic or historic.

Plan 2035

The site is shown on Plan 2035's Generalized Future Land Use map as mixed-use. It is located within the Environmental Strategy Area 1 of the Regulated Environmental Protection Areas Map, and within the Established Communities of the General Plan Growth Policy Map.

Environmental Conformance with Applicable Plans

Sector Plan Conformance

The sector plan contains goals, policies, and strategies in the Environmental Infrastructure section. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the sector plan, and the plain text provides comments on the plan's conformance.

Policy 1: Protect, preserve, and enhance the identified local green infrastructure network within the Landover Gateway planning area.

The submitted TCP1 proposes to provide woodland conservation and reforestation within the critical green infrastructure and habitat corridors within the site. All proposed development is contained outside of the regulated environmental features (REFs), with the exception of necessary infrastructure such as sewer line connections, slope, and soil stabilization.

Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.

The TCP1 proposes to place the majority of the sensitive environmental features within woodland preservation and reforestation. The SWM concept plan has incorporated the recommendations provided in the stream corridor assessment that was prepared for this site. These recommendations include protecting the stream valley and maintaining the associated canopy cover, implementing water quality control, controlling 100-year storm events, and repairing a gully that was formed due to lack of stormwater control on-site.

Stormwater management will be reviewed by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) and sediment and erosion control measures will be reviewed by the Prince George's County's Soil Conservation District.

Policy 3: Require the use of environmentally sensitive stormwater management techniques in order to control and/or reduce volumes of urban stormwater runoff and improve water quality.

An approved SWM concept plan was submitted with this application. The SWM concept plan provided shows the use of a SWM pond, micro-bioretenion facilities, and modular wetland system facilities. A SWM plan showing the use of environmentally sensitive SWM techniques shall be reviewed and approved by DPIE, which will be required at the time of permit.

Policy 5: Preserve and enhance the existing urban tree canopy.

The use of conservation landscaping techniques including the use of native species for on-site planting is encouraged to reduce water consumption and the need for fertilizers or chemical applications. Tree canopy coverage requirements shall be addressed at the time of site plan review.

Policy 6: Reduce light pollution into residential communities and environmentally sensitive areas.

The minimization of light intrusion from this site into the on-site environmentally sensitive areas is important to protect the health of the stream valley and associated wildlife. The use of alternative lighting technologies and the limiting of total light output should be demonstrated at the time of site plan review.

Conformance with the Green Infrastructure Plan

The site contains regulated areas of the Green Infrastructure Plan of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*. The regulated areas are comprised of an existing creek that is located on-site and its associated 100-year floodplain. The following policies and strategies are relevant to this application. The text in **bold** is the text from the master plan and the plain text provides comments on plan conformance.

POLICY 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.

Strategies

- 1.1 Ensure that areas of connectivity and ecological functions are maintained, restored and/or established by:**
 - a. Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**

- b. Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
- c. Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
- d. Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these.**

1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.

- a. Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**

The property is within the Lower Beaverdam Creek of the Anacostia River watershed and is not within a Tier II catchment area. The site contains a stream system, which is within the regulated area of the Green Infrastructure network. The current plan proposes to leave the majority of the stream system undisturbed and to provide woodland preservation within the stream buffer PMA. Approved PMA impacts on-site are for a sanitary sewer line connection, slope stabilization, and soil stabilization. No additional impacts to PMA are proposed. The applicant is proposing reforestation and woodland preservation around the on-site stream systems, to further buffer the sensitive areas and protect downstream habitats. Sensitive species habitat is not identified on this site, and this area is not in a special conservation area. Stormwater management will be reviewed by DPIE, and sediment and erosion control measures will be reviewed by the Soil Conservation District. The limits of disturbance shown on the SWM plans and the sediment and erosion control plans shall be consistent with the limits of disturbance on the future Type 2 tree conservation plan (TCP2).

POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.

2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.

- 2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**
- 2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

Approved PMA impacts on-site are for a sanitary sewer line, slope stabilization, and soil stabilization. No new PMA impacts to the green infrastructure network are proposed with this PPS. The regulated areas are proposed to be protected by woodland conservation and will be placed within an easement.

A TCP1 was provided with this application, which shows that the required woodland conservation requirement will be met through woodland preservation, reforestation, and fee-in-lieu.

POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.

- 3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**
 - a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**

No transportation related impacts to the green infrastructure network are proposed with the subject application.

- b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

The sector plan includes a proposed master plan trail through the subject property (the Landover Gateway bike trail). The CSP determined that it was not appropriate to route this trail through the PMA on-site. The applicant has submitted an alternative route for the trail, which will not disturb the PMA, and which is supported by staff.

POLICY 4: Provide the necessary tools for implementation of the 2017 GI Plan.

- 4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

Reforestation and preservation areas will be placed into woodland and wildlife habitat conservation easements, while all areas within the PMA will be protected within a conservation easement prior to permit.

POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.

Strategies

- 5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**
- 5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

The approved SWM concept plan submitted with this application shows use of a pond and micro-bioretenion facilities. All SWM facilities have been designed to avoid impacts to REF, except for the pond outfall. The applicant is proposing reforestation and woodland preservation around the on-site stream systems, to further buffer the sensitive areas and protect downstream habitats. The TCP2 shall match the approved stormwater concept.

POLICY 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.

General Strategies for Increasing Forest and Tree Canopy Coverage

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**
- 7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**
- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

Woodland exists on-site along the stream systems. This application proposes to provide on-site preservation, on-site reforestation, and fee-in-lieu. Retention of existing woodlands and planting of native species on-site is required by both the Environmental Technical Manual (ETM), and the Landscape Manual, which can count toward the tree canopy coverage requirement for the development. Tree canopy coverage requirements will be evaluated at the time of site plan review.

Forest Canopy Strategies

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**
- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**
- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

Clearing of woodland is proposed with the subject application, however, the woodland conservation threshold of 17.11 percent is proposed to be met with on-site woodland preservation. The remainder of their woodland conservation requirements is proposed to be met with on-site reforestation and fee-in-lieu. The tree canopy coverage will be reviewed with the DSP.

Environmental Review

Natural Resources Inventory/Environmental Features

An approved Natural Resources Inventory (NRI-109-13-01) was submitted with the application. The site contains REF, steep slopes, streams, 100-year floodplain, wetlands, and their associated buffers, which comprise the PMA. The NRI shows the site containing 25 specimen trees. The site statistics table on the NRI shows 7.39 acres of PMA for the site, with 1,568 linear feet of regulated streams.

Woodland Conservation

The site is subject to the provisions of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. This project is subject to the WCO and the ETM. Type 1 Tree Conservation Plan TCP1-001-2014-02 has been submitted with the subject application.

Based on the TCP1 submitted with this application, the site contains a total of 4.72 acres of woodlands net tract and 3.40 acres wooded floodplain for a total of 8.12 acres of existing woodlands. The site has a woodland conservation threshold of 17.11 percent, or 3.09 acres. The TCP1 proposes to clear 1.80 acres of woodland, resulting in a total woodland conservation requirement of 3.71 acres. The woodland conservation requirement is

proposed to be met with 3.14 acres on-site preservation, 0.46 acre of on-site reforestation, and fee-in-lieu for 0.11 acre.

Section 25-122(c)(1) of the County Code prioritizes methods to meet woodland conservation requirements. The applicant submitted a statement of justification (SOJ) dated January 30, 2024, demonstrating why all the woodland conservation requirements could not be met on-site. The site contains a total of 8.12 acres of existing woodland; however, 3.40 acres of this woodland is located in the floodplain and is not counted towards the woodland conservation requirement. The woodland conservation worksheet on the submitted TCP1 shows 3.60 acres of woodland conservation is being met on-site, with the remaining 0.11 acre of the requirement is proposed to be met using fee-in-lieu. Due to the large amount wooded floodplain on-site staff supports the use of fee-in-lieu to meet a portion of the woodland conservation requirement.

Regulated Environmental Features

The site contains REF, including streams, stream buffers, wetlands, wetland buffers, and steep slopes, which comprise the PMA. Impacts to the PMA were approved with CSP-13006-01 that included two storm drain outfalls, two slope stabilization areas, a sanitary sewer connection, and one soil stabilization area. No additional PMA impacts were requested with this application.

Specimen Trees

A Subtitle 25 variance was approved with conceptual site plan CSP-13006-01 for the removal of one Specimen Tree, ST-349. No additional specimen trees have been requested for removal with this application.

Soils

The predominant soils found to occur according to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey include the Christiana-Downer-Urban land complex, Croom-Urban land complex, Russett-Christian-Urban land complex, Urban land-Collington-Wist complex, and Zekiah and Issue soils, frequently flooded. According to available mapping information, unsafe soils containing Marlboro clay do not occur on this property. However, Christiana clay, which is considered an unsafe soil, is present on-site. This information is provided for the applicant's benefit.

A geotechnical report and slope stability analysis were submitted with this application and reviewed by the M-NCPPC's geotechnical expert. The 1.5 factor of safety line and the 25-foot setback are correctly shown on the TCP1.

Erosion and Sediment Control

The County requires the approval of an erosion and sediment control plan prior to permitting. The tree conservation plan must reflect the ultimate limits of disturbance (LOD) not only for installation of permanent site infrastructure, but also for the installation of all temporary infrastructure including erosion and sediment control measures.

12. **Urban Design**—The subject PPS satisfies the minimum lot requirements of the M-X-T Zone, as required by the prior Zoning Ordinance. The proposed development is subject to DSP approval.

The regulations and requirements of the prior Zoning Ordinance apply to development within the M-X-T Zone with regards to landscaping, buffering, screening, fencing, and other bulk regulations such as building setbacks, which will be evaluated at the time of DSP review.

Pursuant to Section 27-547(d) of the prior Zoning Ordinance, properties within the M-X-T Zone shall include at least two uses from the provided three use categories. This development only includes one residential use (townhouses). However, one proposed use in the M-X-T Zone is permitted in accordance with Section 27-547(e) of the prior Zoning Ordinance. The single residential use was approved, in accordance with this section, at the time of the CSP.

The site design for the area bound by Brightseat Road, the private east-west entrance road, and the private north-south road was revised in response to staff comments for the May 23, 2024, submission of revised plans. At the time of the DSP, the placement of residential units, streets, alleys, and other design features in this area will be further reviewed and evaluated to confirm the change results in a better design outcome and better internal vehicular circulation. Further changes to the site design may occur at the time of the DSP, which will not affect the lotting pattern evaluated with this PPS for the condominium dwelling units.

Recreational sites with relatively large areas are beneficial to serve recreational purposes. At the time of the DSP, the applicant should explore ways of increasing the sizes of Recreation Areas 2 and 3, to support various activities. The applicant should also consider including community gardens in the development.

13. **Noise**—The property abuts Brightseat Road, which is an arterial roadway. Therefore, the applicant was required to provide a noise study analyzing whether any noise mitigation would be needed for the subject property. The applicant provided both a January 19, 2024, Phase I noise study, and an April 19, 2024, Phase II noise study.

The most recent standards require that noise must be mitigated to be no more than 65 dBA weighted decibels (dBA) continuous equivalent sound level (Leq) during the hours of 7:00 a.m. to 10:00 p.m. (daytime), and no more than 55 dBA/Leq during the hours of 10:00 p.m. to 7:00 a.m. (nighttime), in outdoor activity areas. This method of measurement establishes that the average noise level in outdoor activity areas must be no more than 65 dBA during the daytime and 55 dBA during the nighttime. The most recent standards also establish that noise must be mitigated to be no more than 45 dBA in the interiors of dwelling units.

The noise studies submitted by the applicant follow the current standards. The Phase I study delineated the future ground-level and upper-level unmitigated 65 dBA/Leq noise contours during the daytime, and the future ground-level and upper-level unmitigated 55 dBA/Leq noise contours during the nighttime. These noise contours are reproduced on the PPS.

The Phase I and Phase II studies also show proposed locations for noise barriers to mitigate noise in common outdoor activity areas along Brightseat Road. However, the proposed site layout has changed since the completion of the noise studies, and while the noise studies show two proposed outdoor activity areas along Brightseat Road, the PPS only shows one. The locations of buildings shown in the noise studies are also not consistent with the latest

site layout. The positions of the ground-level and upper-level mitigated 65 dBA/Leq daytime noise contours and the ground-level and upper-level mitigated 55 dBA/Leq nighttime noise contours should be determined with a revised Phase II noise study at the time of DSP, when the final positions of dwellings and noise mitigation features are confirmed.

None of the proposed dwellings will feature private rear yards, however, according to the applicant, rear-elevation decks will be optional for homeowners on the second level of the townhomes, just above the garages. Some of the dwellings closest to Brightseat Road may be exposed to noise levels above 65 dBA/Leq during the daytime or 55 dBA/Leq during the nighttime in these upper-level outdoor activity areas. The revised Phase II noise study submitted with the DSP should confirm which dwellings will be exposed to high noise levels based on the final site layout. The revised Phase II noise study should also demonstrate how noise in these upper-level outdoor activity areas will be mitigated.

The Phase I noise study also found that some dwellings would be exposed to façade noise levels above 65 dBA/Leq at the ground-level, the upper-level, or both, but that the façade noise levels would not exceed 67 dBA/Leq. Standard building construction materials are capable of reducing noise levels at building exteriors of up to 65 decibels (dB), to be no more than 45 dB in building interiors. Therefore, to ensure noise levels in dwelling unit interiors remain below the required level of 45 dBA, noise mitigation will be required for the dwellings units exposed to exterior noise levels above 65 dBA/Leq. This mitigation may consist of upgraded building materials, which reduce sound transmission from outside the dwellings.

The Phase II noise study conducted a building shell analysis for the townhouse model and its variants anticipated to be offered in the proposed development. The analysis concluded that the standard building construction of the model would be capable of reducing noise levels of up to 67 dBA/Leq at the façades, to be below 45 dBA/Leq in the building interiors. Thus, the study found that the applicant's proposed building construction may be used in all of the townhomes of the proposed development. At the time of the DSP, the building architecture should be evaluated to ensure that it is consistent with the Phase II noise study and will be capable of mitigating noise from 67 dBA/Leq at the façades, to 45 dBA/Leq in the building interiors.

14. **Community Feedback**—At the time of the writing of this technical staff report, the Prince George's County Planning Department has not received any correspondence from the community regarding this subject application.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plans shall be revised as follows:
 - a. Revise the proposed parcels so that only a single parcel is proposed (Parcel 1).

- b. Add a general note indicating approval of a variation from Section 24-121(a)(19) of the prior Prince George's County Subdivision Regulations, so that proposed condominium townhouse dwelling units within 150 feet of Brightseat Road do not have to conform to the 150-foot lot depth requirement of Section 24-121(a)(4) of the prior Prince George's County Subdivision Regulations; and so that the six dwellings in the northernmost group of townhomes on the east side of the north-south private road do not have to conform to the 1,200-square-foot lot area requirement of Section 27-548(h) of the prior Prince George's County Subdivision Regulations.
 - c. Delineate on the PPS and the Type 1 tree conservation plan the 150-foot lot depth from Brightseat Road.
 - d. Add Conceptual Site Plan, CSP-13006, to the list of prior approvals in General Note 5.
- 2. Development of this site shall be in conformance with Stormwater Management Concept Plan 46784-2021-0, once approved, and any subsequent revisions.
- 3. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:
 - a. Grant 10-foot-wide public utility easements along the abutting public rights-of-way, and along at least one side of the internal private streets, in accordance with the preliminary plan of subdivision, as may be modified by the detailed site plan.
 - b. Include a note on the final plat indicating approval of a variation from Section 24-121(a)(19) of the prior Prince George's County Subdivision Regulations, so that proposed condominium townhouse dwelling units within 150 feet of Brightseat Road do not have to conform to the 150-foot lot depth requirement of Section 24-121(a)(4) of the prior Prince George's County Subdivision Regulations; and so that the six dwellings in the northernmost group of townhomes on the east side of the north-south private road do not have to conform to the 1,200-square-foot lot area requirement of Section 27-548(h) of the prior Prince George's County Subdivision Regulations.
 - c. Include a note on the final plat indicating that further subdivision of the property, such that fee simple lots are created for individual dwelling units, is strictly controlled. A new preliminary plan of subdivision and final plat shall be submitted for this purpose and may exclude the ability for fee simple lots for some dwelling units.
- 4. In accordance with Section 24-135 of the prior Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities.
- 5. Prior to submission of the final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall submit an executed private recreational facilities agreement (RFA) to the Development Review Division (DRD) of the Prince George's County

Planning Department, for construction of on-site recreational facilities, for approval. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records and the Liber and folio of the RFA shall be noted on the final plat prior to plat recordation.

6. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for adequacy and proper siting, in accordance with the *Park and Recreation Facilities Guidelines*, with the review of the detailed site plan (DSP). Timing for construction shall also be determined at the time of DSP.
7. Prior to approval of building permits for residential development, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities.
8. Prior to submission of the final plat of subdivision, the applicant, and the applicant's heirs, successors, and/or assignees shall submit three original executed public recreational facilities agreements (RFAs) to the Prince George's County Department of Parks and Recreation (DPR) for construction of the Landover Gateway bike trail facilities for approval. The trail shall be constructed in accordance with the *Park and Recreation Facilities Design Guidelines*. Upon approval by DPR staff, the RFA shall be recorded among the Prince George's County Land Records and the Liber and folio of the RFA shall be noted on the final plat prior to plat recordation. The public RFA shall establish the timing for the construction of the trail facilities.
9. Prior to approval of the final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall provide a draft public use access easement and maintenance agreement or covenant for the Landover Gateway bike trail, to The Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George's County Department of Parks and Recreation, for approval. The easement and maintenance agreement shall contain the rights of M-NCPPC, be recorded in land records, and the Liber/folio shown on the final plat, prior to recordation. The final plat shall reflect the location and extent of the easement, in accordance with the approved preliminary plan of subdivision, as may be modified by the detailed site plan.
10. Prior to approval of the final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall provide a draft Cross Access Easement Agreement or Covenant for the connection between Brightseat Road and the Board of Education property, to the Maryland-National Capital Park and Planning Commission (M-NCPPC), Prince George's County Planning Department, for approval. The easement shall contain the rights of M-NCPPC, be recorded in land records, and the Liber/folio shown on the final plat, prior to recordation. The final plat shall reflect the location and extent of the easement, in accordance with the approved preliminary plan of subdivision, as may be modified by the detailed site plan.
11. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan shall be signed and dated by the qualified professional who prepared them.

12. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan, TCP1-001-2014-02. The following note shall be placed on the final plat of subdivision:

"This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan TCP1-001-2014-02, or most recent revision, or as modified by the Type 2 tree conservation plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."

13. Prior to the issuance of permits for this project, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

"This plat is subject to the recordation of a woodland and wildlife habitat conservation easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 tree conservation plan, when approved."

14. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section, of the Countywide Planning Division, of the Prince George's County Planning Department, prior to approval of the final plat. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the Prince George's County Planning Department Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."

15. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams, or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

16. In accordance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2009 *Approved Landover Gateway Sector Plan and Proposed Sectional Map Amendment*, the applicant and the applicant's heirs, successors and/or assignees shall provide the following facilities, and the facilities shall be shown on the plans provided with and prior to acceptance of the detailed site plan:

- a. Standard bicycle lanes along the subject property's frontage of Brightseat Road and Sheriff Road, unless modified by the operating agency with written correspondence.

- b. A minimum 8-foot-wide shared-use path along the frontage of Brightseat Road, unless modified by the operating agency with written correspondence.
 - c. Minimum 5-foot-wide sidewalk along both sides of all internal roadways.
 - d. Continental style crosswalks and Americans with Disabilities Act curb ramps crossing all access points and throughout the site.
 - e. Short-term bicycle parking at all recreational or gathering areas.
 - f. A minimum of two bicycle racks at the community center building.
17. Prior to acceptance of a detailed site plan (DSP), the applicant shall submit a revised Phase II noise study based on the final site layout and building architecture. The study shall demonstrate that outdoor activity areas (including upper-level balconies) will be mitigated to 65 dBA/Leq or less during the hours of 7:00 a.m. to 10:00 p.m. (daytime), and 55 dBA/Leq or less during the hours of 10:00 p.m. to 7:00 a.m. (nighttime), and that the interiors of dwelling units will be mitigated to 45 dBA or less. The DSP shall identify all dwelling units requiring enhanced building shell design or construction materials for interior noise mitigation, and the architecture shall reflect the enhancements required to these units. The DSP shall show the locations and details of features provided for outdoor noise mitigation. The ground-level mitigated daytime 65 dBA/Leq noise contour, ground-level mitigated nighttime 55 dBA/Leq noise contour, upper-level mitigated daytime 65 dBA/Leq noise contour, and upper-level nighttime 55 dBA/Leq noise contour shall be delineated on the DSP, accounting for the locations of all buildings and noise barriers.
 18. Prior to acceptance of a detailed site plan, the applicant shall provide an exhibit that illustrates the location, limits, and details of the Landover Gateway bike trail and the location and limits of the public use access easement.
 19. Prior to acceptance of a detailed site plan, the detailed site plan (DSP) shall identify the locations of parking spaces for the six dwelling units in the northeast corner of the property which are subject to the approved variation from Section 24-121(a)(19) due to lack of sufficient area for future fee-simple lots. The DSP shall ensure there is adequate, nearby parking for these units notwithstanding the lack of parking within their driveways.

STAFF RECOMMEND:

- Approval of Preliminary Plan of Subdivision 4-21040
- Approval of Type 1 Tree Conservation Plan TCP1-001-2014-02
- Approval of a Variation from Section 24-121(a)(19)